

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOHN KURTZ,

Plaintiff,

v.

CAPGEMINI AMERICA, INC., et al.,

Defendants.

CASE NO. C05-1817JLR

ORDER

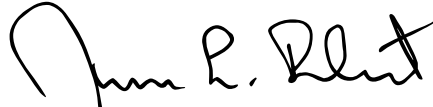
This matter comes before the court upon Defendants' Motion for Entry of Judgment and Award of Costs and Fees (Dkt. # 25). The court has previously entered an order granting Defendants' motion to dismiss (Dkt. # 24).

Defendants base their claim for fees on the Copyright Act, 17 U.S.C. § 505 ("section 505"), and for costs under 28 U.S.C. § 1919. Section 505 vests the court with discretion to award fees.

In Fogerty v. Fantasy, Inc., 510 U.S. 517, 534-35, n.19 (1994), the Court provides a non-exclusive list of factors to be considered by a court exercising its discretion in awarding fees. These factors include frivolousness, motivation, objective factual and legal unreasonableness, compensation and deterrence. Applying these factors to the facts and legal theories of this action, the court finds that an award of fees and costs would not further the purposes of the Copyright Act.

1 The court therefore DENIES Defendants' motion to the extent it seeks an award of
2 fees and costs, and GRANTS the motion for entry of judgment. The clerk is directed to
3 enter judgment of dismissal without prejudice in this matter.

4 Dated this 28th day of February, 2006.

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7 JAMES L. ROBART
8 United States District Judge
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